

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

RECEIVED

JUL 10 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
 )  
Petition for Expedited Rulemaking )  
to Establish Reporting Requirements )  
and Performance and Technical )  
Standards for )  
Operational Support Systems )

DA No. 97-1211  
RM 9101

INITIAL COMMENTS OF THE  
NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS

CHARLES D. GRAY  
General Counsel

JAMES BRADFORD RAMSAY  
Assistant General Counsel

National Association of  
Regulatory Utility Commissioners

1100 Pennsylvania Avenue, Suite 603  
Post Office Box 684  
Washington, D.C. 20044

(202) 898-2200

July 10, 1997

0710  
11/10/97  
LRA:YOL

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

<b>In the Matter of</b>	)	
	)	
	)	
<b>Petition for Expedited Rulemaking</b>	)	
<b>to Establish Reporting Requirements</b>	)	<b>DA No. 97-1211</b>
<b>and Performance and Technical</b>	)	<b>RM 9101</b>
<b>Standards for</b>	)	
<b>Operational Support Systems</b>	)	
	)	

**INITIAL COMMENTS OF THE  
NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS**

The National Association of Regulatory Utility Commissioners ("NARUC") respectfully submits these comments in response to the Federal Communications Commission's ("FCC" or "Commission") public notice seeking comment on a petition for expedited rulemaking to further clarify incumbent Local Exchange Carriers ("I-LECs") obligations with respect to Operational Support Systems ("OSS") requirements. The petition was filed by LCI International Telecom Corporation ("LCI") and the Competitive Telecommunications Association ("CompTel") on May 30, 1997 based on the FCC's August 8, 1996 *Interconnection Order*.<sup>1</sup>

---

<sup>1</sup> *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, CC Docket No. 96-98, "First Report and Order," FCC 96-325, 11 FCC Rcd 15499 (August 8, 1996) ("*Interconnection Order*"), motion for stay denied, 11 FCC Rcd 11754 (1996), "Order on Reconsideration, 11 FCC Rcd 13042 (1996), 2nd Order on Reconsideration, 11 FCC Rcd 19738 (1996, further recon. pending, appeals pending sub nom. Iowa Utilities Board v. FCC, No. 963321, and Comptel v. FCC, No. 96-3604, 8th Circuit. The order requires I-LECs to provide access to OSS functions under its 47 U.S.C. § 251(c)(3) obligation to offer access to unbundled network elements ("UNEs"), and to provide nondiscriminatory access to all UNE's, as well as services made available for resale under 47 U.S.C. §§ 251(c)(e) and (c)(44). Id. 11 FCC Rcd 15499, 15660, 15763.

## I. NARUC'S INTEREST

NARUC is a quasi-governmental nonprofit organization founded in 1889. NARUC's members include the State officials, from the fifty States, the District of Columbia, Puerto Rico, and the Virgin Islands, charged with the duty of regulating the telecommunications common carriers within their respective borders. These officials have the obligation to assure that telecommunications services and facilities required by the public convenience and necessity are established and that services are furnished at rates that are just and reasonable. The recent *The Telecommunications Act of 1996 ("Act")*, Pub. L. No. 104-104; 110 Stat. 56 (1996), places additional obligations that heighten State responsibilities with respect to OSS.

As the numerous citations to ongoing State OSS proceedings in the LCI-Comptel Joint Petition illustrate,<sup>2</sup> States continue to expend significant resources examining OSS issues. Indeed, the FCC recognized this clear State interest via its invitations to several State commission representatives to participate in the recent OSS panel held at FCC headquarters in Washington, D.C. Accordingly, the OSS "standards" rulemaking proposed by the LCI-Comptel petition will clearly impact upon State obligations under the Telecommunications Act.

---

<sup>2</sup> See, e.g., LCI-Comptel Petition at pages 46, 47, 48, 69 and 70.

## II. DISCUSSION

NARUC agrees with the FCC that "access to OSS functions is critical to creating the opportunities for competition in the telephone exchange market that Congress envisioned." (Public Notice, page 1). Because of the timing of this public notice, NARUC has not yet had an opportunity to formally address OSS issues raised by the LCI-Comptel petition in a resolution. NARUC adopts policy resolutions three times a year. We are holding our summer meetings in two weeks. Because of the importance of the issues presented by the Notice, NARUC will be sponsoring OSS panels during this meeting and a resolution with more specific positions may emerge.

In the interim, NARUC encourages the FCC to use a cooperative framework among the FCC, State regulators, and interested parties to develop any national standards or rules. A number of States are in the process of developing their own standards. In other contexts, NARUC has suggested that broad national non-binding guidelines can be of great assistance to the States, but requiring States to implement detailed rules and regulations can be very burdensome and unnecessary. Also in similar contexts, NARUC has consistently suggested that, to the extent such guidelines are adopted as mandatory, at a minimum, the FCC should make it clear that States retain the flexibility to impose more stringent requirements. We believe a balanced approach is necessary to ensure that the FCC's rules result in standards that promote competition and yet allow all regulatory bodies to carry out their responsibilities.

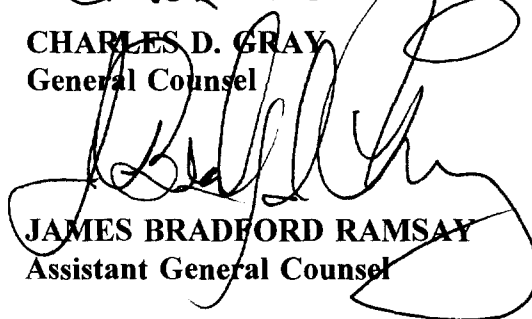
### III. CONCLUSION

NARUC respectfully requests the FCC carefully consider these comments before taking action in this proceeding.

Respectfully submitted,



**CHARLES D. GRAY**  
General Counsel



**JAMES BRADFORD RAMSAY**  
Assistant General Counsel

**National Association of  
Regulatory Utility Commissioners**

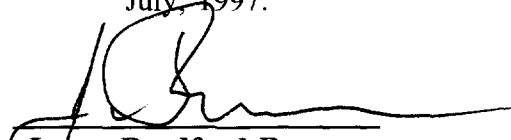
**1100 Pennsylvania Avenue, Suite 603  
Post Office Box 684  
Washington, D.C. 20044**

**(202) 898-2200**

**July 10, 1997**

**CERTIFICATE OF SERVICE**

I, JAMES BRADFORD RAMSAY, certify that I have served a copy of the foregoing on all the parties on the attached service list by first class mail, postage prepaid, this 10th day of July, 1997.

  
**James Bradford Ramsay**  
**Assistant General Counsel**

Janice Myles  
 Common Carrier Bureau  
 Room 544  
 1919 M Street NW  
 Washington, D.C. 20554

International Transcription Service  
 2100 M Street, N.W., Room 140  
 Washington, D.C. 20037

Anne K. Bingaman  
 Douglas W. Kinkoph  
 LCI INTERNATIONAL TELECOM CORP.  
 8180 Greensboro Drive, #800  
 McLean, VA 22102

Eugene D. Cohen  
 Bailey Campbell PLC  
 649 North Second Avenue  
 Phoenix, AZ

Genevieve Morelli  
 Executive Vice President, General Counsel  
 COMPTTEL  
 1900 M Street, NW  
 Washington, DC 20036

Rocky Unruh  
 Morgenstein & Jubelirer  
 Spear Street Tower  
 San Francisco, CA 94105